

THE NEWS OF NORFOLK ON PAGES 2, 3, 5 & 6.

COURT DECISIONS.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

DIGESTED BY W. B. MARTIN.

(Exclusively for Virginian-Pilot.)

BUNDICK V. COMMONWEALTH.
Supreme Court of Appeals of Virginia.
November 28, 1899.

TO WARRANT A CONVICTION OF CRIME UPON CIRCUMSTANTIAL EVIDENCE, THE FACT OF GUILT MUST BE PROVEN TO THE EXCLUSION OF EVERY REASONABLE HYPOTHESIS OF INNOCENCE.

Robert Bundick was convicted of burglary and appealed.
The only evidence connecting the prisoner with the crime was the fact that a knife was found in the dining-room where the burglary was committed; that the prisoner had lost a knife, and that one witness testified that he believed the knife found was the same he had once borrowed from the prisoner, but that he could not swear that it was the same knife.

The court says:
To warrant the conviction of a person accused of crime, every fact necessary to establish his guilt must be proved beyond a reasonable doubt; and especially is this so where, as here, a conviction is sought upon circumstantial evidence alone, which is always to be acted on with the utmost caution. It is not sufficient, therefore, that the evidence creates a suspicion of guilt. The accused is entitled to an acquittal, unless the fact of guilt is proven to the actual exclusion of every reasonable hypothesis of his innocence.

While the evidence in this case is sufficient to create a suspicion of guilt, we are of opinion that it is plainly insufficient to warrant the conviction of the accused. Reversed.

STATE V. COVINGTON.
Supreme Court of North Carolina.
November 14, 1899.

INABILITY FROM SICKNESS IS AN EXCUSE FOR FAILING TO WORK THE ROADS.

THE INDICTMENT IN SUCH CASE NEED NOT ALLEGE WILLFULNESS.

THE ROAD OVERSEER NEED NOT HIMSELF "PERSONALLY" NOTIFY THE PARTY TO WORK, BUT MUST HAVE HIM NOTIFIED.

Covington was indicted for failing to work the public roads, and was found not guilty, and the State appealed.

The court says:
The fact of failure to work the roads by one liable to such duty, after being notified, and without paying the one dollar to procure exemption, constitutes the offence, without allegation or proof of willfulness; any excuse, as in the present case, being a matter of defence. The omission of the words "willfully and unlawfully," therefore, is not fatal.

Another exception is that the summons to work the road was left at the house of the defendant, not by the overseer himself, but by another, acting as his agent or deputy. We do not see how the defendant was injuriously affected thereby, or why the overseer could not send the notice by another, to be left at defendant's house. The defendant further contends that he is not guilty, because the special verdict finds that the defendant was notified to work the road on the 22d of April, 1898; that he was sick on that day, and was so sick that he was unable to work the road. It has been decided in this term, in *State v. Sharp*, that the statutory requirement of all able-bodied male persons between the ages of 18 and 45 years to work on the public roads is not a tax, but a duty, similar to service on the jury, grand jury, on the special venire, military service, or as a witness, which duties the State can exact without compensation, or at prices fixed by the State, usually less than would compensate the parties. It was also held a duty and incumbent upon a resident, though not a citizen. Being a duty, sickness causing inability to perform it is a full defense, as in the case of the other duties above recited. The one dollar to be paid the day before by each person not intending to work is a payment exacted of those who have no sufficient excuse for not rendering the service, and who are thus authorized to procure exemption by paying an amount deemed sufficient to purchase a substitute. The statute does not require the one dollar of one who by reason of illness is unable to perform the duty. Working the roads by conscription of labor was the common-law method. It was part of the *trindita necessitas* from which no man was exempt, and the same was true under the civil or Roman law. As late as the statute 19 Geo. III, c. 78 (1773), the duty of working the public roads was obligatory upon all able-bodied males between the ages of 18 and 65, or to send a laborer; but this statute limited the exaction to six days in the year, like

our Code, section 2017, and required property to contribute in teams and in money. This was an advance on the previous common-law system, under which labor alone bore the burden of maintaining the highway, and, in its turn, has long since been superseded in England by the present system of working the roads by taxation.

In France the same duty was imposed upon labor alone of working the highways, a duty known as "corvée," a grievance which contributed powerfully to their revolution of a century ago, since which time the roads have been worked by taxation. The supervision of roads and bridges was held so honorable a duty among the Romans that their highest religious official was styled "Pontifex Maximus" (i. e. "head bridge builder"), whence the title of "Pontiff," given by the pope; and Cleero, in his letters (ii, Ep. 1), says that a road overseer was colleague of Julius Caesar in his candidacy for the consulship. Affirmed.

WHAT IS LYDDITE?
THE HIGH EXPLOSIVE THAT KILLS WITHOUT HITTING
Editor Virginian-Pilot:

I notice in your telegraph reports of the war in South Africa, between the British and the Boers, frequent allusions to the lyddite shells, which are said to be very destructive of life and to kill without hitting. What is lyddite? Please inform a

CONSTANT READER.

What is lyddite?
The high explosive thus called from the name of the small Kentish town and gunnery centre, where the experiments with it were made, is nothing less than picric acid brought into a dense state by fusion. Picric acid is a bright yellow substance freely used in peaceful industries for dyeing purposes. It is obtained by the action of nitric acid on phenol or carbolic acid. It burns very violently, and owing to the tremendous blast produced by the exploding shell filled with it is some eleven times greater than that of a shell filled with powder.

Common shells of forged steel filled with lyddite are used with 6 and 9.2-inch breech-loading guns, and with howitzers; also with 4 to 6 inch quick-firing guns. Now, the English have none of the first mentioned for land service proper, guns of precision up at the front; neither have they yet dispatched any of their field howitzer batteries. Therefore the lyddite shells of which General Joubert complains must have been fired from the 4 to 6 inch quick-firing guns which the naval brigade took with them. In fact, the fighting around Ladysmith on Monday, October 30, must have witnessed the Boers' first introduction to lyddite, for the common shell fired by the English field batteries—and up till then the Boers had not had to face any other kind of gun—were not charged with it, but with powder.

But lyddite shells are equipped with percussion nose fuses only; hence their explosion takes place on impact in the following fashion: The percussion fuse ignites a Picric powder exploder, which in turn ignites the bursting charge of lyddite, the donation of the fuse and of the two explosives inside the shell being instantaneous. The Picric powder exploder, we should add, is inserted in a recess left in the lyddite for that purpose. Lyddite shell is to some extent less barbarous than shrapnel exploded by powder, for, though widespread, its death-dealing effects are due more to concussion than to the wounding effects of the flying fragments. In other words, in the case of a lyddite shell bursting in a group of men, the greater number will be killed not by pieces of the shell, but by the blow of the suddenly compressed air.

RATE WAR RUMORS.
THE SOUTHERN AND SEABOARD AIR LINE INVOLVED.

There are rumors of an impending rate war between the Southern railway and the Seaboard Air Line. According to reports, which were flying fast yesterday, the struggle, which it is said will be the most stubborn ever waged between these rival transportation lines, will be inaugurated as soon as the latter's scheme of consolidation is perfected.

The matter has been talked of in transportation and business circles for a day or two past with increasing interest. The merchants have become interested in the talk and are keeping their eyes open. Saturday Mr. Spencer, president of the Southern railway, came here and the matter was discussed between himself and some of the transportation agents here, it is said. He went to Newport News and spent Sunday and Sunday night at Old Point.

Enterprise and Energy.
Mr. Salm Behrend, the successor to the late Captain Gilmer, with his usual keen eye for business, has purchased the L. Jack Oliver entire stock of hats, caps, umbrellas, canes, etc., and now offers it at one-half Mr. Oliver's former prices. Coming, as this move does, just at the holiday period, makes this a most exceptional opportunity for prudent buyers. The reputation Mr. Behrend has established, both in handling Mr. Gilmer's stock and in Washington, will convince the public that genuine values are to be found as a result of this latest acquisition to the already fine stock he has on hand, and an inspection of the goods offered at this special sale will undoubtedly be the aim of each shopper while the stock lasts. The sale opens this morning at 10 o'clock and a study of his advertisement is recommended.

AMUSEMENTS.
"TOWN TOPICS."

If you are one of those phlegmatic beings who go to the theatre for the purpose of enjoying an evening nap, the management recommend that you had better steer clear of the Academy on Christmas, matinee and night. You will have very little quiet when the Broadway comedians turn themselves loose in that first-class battleship of farce comedy, "Town Topics."

Italian Democratic Club.
The Felice Cavallotti Democratic Club, composed of citizens of Italian origin, held a meeting Sunday in Engle's Hall, and reorganized for the ensuing year with the following officers: Arthur Parrilli, president; Nicola Albano, vice president; Augustin Demma, secretary; Frank Cimmino, treasurer; Domemik Centrella, master-at-arms; Dom. Bonas, banner-bearer.

50c. and \$1.00, all druggists.
SCOTT & BOWNE, Chemists, New York.

PASTORS' MEETING.

The Baptists Oppose Appointment of Chaplain for Penitentiary.

Representative Whitehead to be Notified to That Effect—The Methodist Pastors Appoint Committee to Formulate a Plan.

Rev. J. W. Mitchell presided at the Baptist Minister's Conference yesterday morning. Quite a number of the pastors were present, and the reports were very encouraging. Among the absentees was Dr. J. J. Hall, who has been sick for some time. He filled his pulpit at Park Avenue at the morning service, but was too unwell at night, and Rev. Tyree Whitehurst supplied for him.

Dr. A. B. Dunaway, of Port Norfolk, reported large congregations and the largest Sunday school in the history of the church.

Rev. Vernon I'Anson, of West Norfolk, is very much encouraged, and reports his work in better condition than at any time since he became pastor.

Rev. S. S. Roberson, of South Norfolk, received five by letter.

Dr. J. J. Taylor, of Freemason Street, Norfolk, had one profession of faith; received one by letter and baptized three.

Rev. Samuel Saunders, of Scottsville, received one by letter.

Rev. E. E. Dudley, of Atlantic City, had one profession of faith.

Rev. W. F. Fisher, of Portsmouth, received one by letter. Dr. J. J. Taylor made a very interesting address to the Sunbeam Society in the afternoon.

The conference unanimously passed a resolution protesting against the appointment of a chaplain to the penitentiary, as antagonistic to the great principle of the entire separation of church and State, and instructed the officers of the conference to send a copy of the resolution to Mr. Whitehead, of Norfolk, calling his attention to the action of the Baptist ministers and to state that they represented their churches.

METHODIST PASTORS.
The Methodist preachers met at the usual hour yesterday morning, the president, Rev. R. M. Chandler, presiding. Prayer by Rev. J. W. Cridder.

The following reports were heard from the churches:
Rev. Dr. A. Coke Smith had a large congregation at the morning service, and an overflow audience at night at Epworth Church, and received two new members.

Rev. Daniel T. Merritt had one accession to membership at Huntersville.

Rev. J. W. Nicholson, of South Princess Anne Circuit, reported a good day at Charity Church Sunday. The congregation will erect a new and improved house of worship in the spring.

Rev. George Wesley Jones had large congregations. The presiding elder, Rev. W. C. Vaden, preached at night; received two new members.

Rev. J. P. Carey reported three accessions at Port Norfolk.

Rev. Paul Bradley reported two new members at Liberty Street, South Norfolk.

On motion of Rev. W. C. Vaden the chair appointed a committee of three, consisting of Drs. A. Coke Smith, of Epworth; Rev. R. F. Beadles, of Central, Portsmouth, and Rev. J. T. Mastin, of Chestnut Street, Berkeley, to formulate a plan for reaching Methodists residing in this section who have not united with any Methodist church, and induce them to join the church nearest them at the next meeting.

After prayer by Rev. W. C. Vaden, the meeting adjourned to the first Monday in January, 1900.

Church Committee Organized.
The Building Committee of Cumberland Street M. E. Church held a meeting yesterday and organized by electing the following officers:

Chairman—Frank Dusch.
Assistant Chairman—R. B. Fentress.
Secretary—George W. Gilbert.
Treasurer—Walter J. Simmons.
Advisory Board—Rev. H. E. Johnson, D. D., W. H. Fletcher.

The committee adjourned subject to the call of the chairman.

He Loves Me—?
The dainty flower oracle may tell her true or false, but some day the prince will come and she'll dream the dear dream of home life and motherhood. In that dream she will see herself always happy, always with a smile for the husband and a kiss for the baby. What a pity to wake from such a dream, to almost loathe her husband and hate her child, because cruel pain has blighted her body and warped her mind. How many a woman has had this sad awakening from her dreams of home and love! There's help and healing for every woman who suffers from womanly diseases, caused by girlish ignorance, wisely neglect or the strain of maternity. Doctor Pierce's Favorite Prescription makes weak women strong and sick women well. It heals diseases of the delicate organs, practically does away with the pains of maternity and gives the nursing mother vigor and vitality.

"Two years ago," writes Mrs. Kattie Auliker, of 754 Pat Street, Alliance, Ohio, "I used two bottles of 'Favorite Prescription' and in April a nice baby was born, before the doctor came. I was not very sick. Baby is now fourteen months old and weighs 30 pounds. Before commencing Dr. Pierce's Favorite Prescription I had to vomit every day but after I got the medicine from the first spoonful that I took, I stopped vomiting. It is a God-send for women."

When a laxative is needed, use Dr. Pierce's Pleasant Pellets with "Favorite Prescription."

50c. and \$1.00, all druggists.
SCOTT & BOWNE, Chemists, New York.

ARMY RECORD BREAKER.
LARGEST COASTWISE LIST OF ARRIVALS IN PORT'S HISTORY.

Yesterday was a record breaker in the history of the port of Norfolk and Portsmouth, no less than thirty-seven arrivals being recorded by the marine reporter for Sunday and Monday, with undoubtedly some left to hear from.

The clearance and sailing list were but ordinary, but it is said by the oldest shell-backs along the water front that no such record has ever been made before in this port, and when it is remembered that the arrivals of the Sunday and Monday reported last week, Monday, were but 22, and that there are now in this harbor, of steam and sail—all kinds of shipping—more than one hundred vessels, there are indications of a fine run of maritime business and mainly coastwise trade.

The shipping arrivals of the day aggregate 21,371 tons, net register; and this is exclusive of all harbor, bay, canal and coastwise steamers of regular lines, as well as all canal arrivals of schooners, barges, etc. Were these added, the sum total of yesterday's arrivals would amount to nearly 32,000 net tonnage, or, in actual figures, 31,231.

The regular line steamers arrived in port yesterday amounted to 9,319 tons, and those arrived via the canals to but 601 tons, a very light day in this latter respect. Could this record be kept up the total for the year would be a surprise to the country at large, as well as to Norfolk itself, though the actual total for the past year will be a large one.

A Fast Steamer Launched.
The Philadelphia Record's Chester, Pa., correspondence says:
"The New York, Philadelphia and Norfolk Railroad Company's new fast steamer Pennsylvania was floated this afternoon at Roach's ship-yard, and the launch was attended by a party of prominent railroad officials and their guests, who came down in a special car, and were afterward luncheon at the house of Senator Sprout."

"The Pennsylvania will ply on the Cape Charles route, and is one of the fastest steamers ever designed for passenger coast service in this country. She will take the place of the Cape Charles, which was recently burned while in service, and has all the modern appliances. The dimensions are as follows: Length on water line, 258 feet 6 inches; beam on water line, 36 feet 9 inches; beam over all at deck, 40 feet; depth, moulded, 16 feet.

"The vessel is built of steel and has six water-tight bulkheads and four trimmings tanks. There are main, saloon and promenade decks. The finishing of the inside woodwork is gold and white. The dining-room is on the main deck and will accommodate sixty-eight passengers. There are seven staterooms and a ladies' parlor on the saloon deck. The two engines are of the vertical four-cylinder triple expansion type, with a 26-inch stroke."

The steamer will ply between Norfolk and Cape Charles.

OTHER LOCAL ON PAGE 6

The Most Refreshing Morning Laxative
The one palatable, reliable remedy for indigestion, sick headache and constipation.

Acting gently on all the excretory organs, it expels waste matters, removes gouty and Rheumatic poisons from the blood and keeps the stomach and bowels clean and healthy. 50c. and \$1.00, at druggists.

TARRANT'S SALTZER
"Effervescent"

FOR A GOOD BOY!

A Good Suit of Clothes or Overcoat. A Sensible Christmas Present.

You cannot appreciate the values and appropriateness of our assortment of Presents for Gentlemen unless you see them.

Dunston & Silverwood
DRESS SUITS FOR HIRE.
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Christmas Presents
Those wishing to see a good assortment of first class goods in the way of useful Christmas presents, such as fine Carving Sets, Table Knives, Stag, Celluloid, Bone, Ivory and Silver Plated Handles, All grades Silver and Nickel Plated Ware and a large assortment of many other useful articles too numerous to mention. Call and see my goods and you will be pleased with both the goods and the prices.

P. J. MALBON,
109 Commercial Place
Both Phones No. 401.

FEREBEE, JONES & CO.,
Tailors and Men's Outfitters.

Fine Overcoats for Men.
There are men who would hardly believe that Overcoats of a character as high as these we tell of could be found ready-made. The elegant stuffs, the careful, artistic tailoring, the dignified stylishness would only be expected from your favorite tailor. But there are men who like elegant clothing, who prefer to try on various finished garments before deciding on any one, and so there was need of this fine gathering—a gathering not matched in any other Norfolk store. This descriptive word of them:

At \$50—Overcoats of genuine Sedan or Oxford Patent. Beaver. Some have edges finished with velvet, also satin lined. A regular \$50 garment.

At \$40—Overcoats of Blue, Black, or Oxford Patent. Beaver. Some have edges finished with velvet, also satin lined. A regular \$50 garment.

At \$30—Overcoats of genuine Carr Melton or London Kersey. In Blue or Black; full silk or satin lined, with an interlining of wool. They are worth \$10 more.

At \$25—The stylish full-back Overcoats of Oxford Ribbed Cheviot; a style that the swell dresser will appreciate.

Of course, other Coats, too, at the same prices, and at other prices. From \$15 up—swell Padocks. At \$15, \$12 and \$10 we have wonderfully good Overcoats. Judge us by them.

House Coats for Men.
We are busier than ever at House Coat selling, which is but the natural recompense for the care we gave to getting the stock together. Some we bought from London. But, no matter where they came from, the prices are fair—really low. So much for the collection as a whole. Most excellent sorts at \$5.50 to \$12. Light in weight, but warm, comfortable yet dressy are these House Coats of soft double-faced cloths with plain faces and handsome plaid backs that make a bright contrast for the collar and cuffs. Some of the coats are satin bound, others are bound with cloth. Best of all, they are tailor-made and fit. Wonderfully difference between a baggy and well-shaped House Coat. See it in these. The air of luxury doubles their giveables.

Other Smoking Jackets as low as \$4 and as high as \$20.
Lounge Gowns and Bath Robes range in price from \$3.50 to \$25.

Agents for Celebrated
KNOX HATS.
Ferebee, Jones & Co.
Corner Main and Commerce Sts.

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KNOX HATS.
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Corner Main and Commerce Sts.

WE CAN Help You.
Are you still undecided about what to buy as an Xmas remembrance for your husband, brother, or—shall we say, sweetheart?

Give something both attractive and serviceable and it is sure to be appreciated. One of the articles mentioned below will be suggestive for the occasion:

NOBBY NECKWEAR in all the desirable shapes, 50c. to \$1.00.
KID GLOVES—dressed and undressed, lined and unlined, \$1.00, \$1.50 and \$2.00 per pair.
SUSPENDERS—50c. to \$2.50 per pair. The latest, of course, are silver mounted.

UMBRELLAS—\$1.00 to \$6.00, with the noblest handles ever shown in Norfolk.
FANCY SILK AND WORSTED VESTS—single and double-breasted, \$4.00 to \$6.00.
CARDIGAN JACKETS—\$1.25 to \$4.00.
SWEATERS—\$1.00 to \$3.00.

Remember we have the agency for Stein-Bloch tailor-made Clothes for Norfolk and vicinity.

DREWREY'S
317 MAIN STREET.

An Endless Chain
Of facts in reference to the beauty of our laundry work you can glean from patrons whom we have always given eminent satisfaction to. Our laundry work is unexcelled for its exquisite color and artistic finish.

MONTICELLO MODEL LAUNDRY
ALBERT GERST, Manager.
105 Granby St.
New Phone 574.
BENJ. L. DOZIER,
Livery, Boarding and Transient Stables,
61, 63, 65 Cove Street,
Everything new and up-to-date.
S. B. PHONE, 606.
OLD PHONE, 944.